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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,831	01/11/2002	Nicholas Guy Clarke	S1011/20128	1167

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CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA, PA 19103-2212

EXAMINER

CANFIELD, ROBERT

ART UNIT PAPER NUMBER

3635

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,831

Applicant(s)

CLARKE ET AL.

Examiner

Robert J Canfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22, 23 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. This Office action is in response to the amendment filed 09/13/04. Claims 22, 23 and 33 are pending. Claims 1-21 and 24-32 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 33 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,138,435 to Kocher.

Kocher provides a length of framework as shown in figure 1. All language related to the structure of a door is written as intended use. The length of Kocher is capable of performing the claimed intended use. Kocher's length has a hollow body at approximately between the lead lines for reference number 41, two side arms 1 and 2 on opposed sides of a base portion 4, each side arm having recesses 9. While figure 1 only shows a single recess on each of the side arms the bottom of column 5 to the top of column 6 says that surfaces 1' and 2' are provided with slots (plural). Figure 3 shows plural slots. If one wishes to argue that Kocher fails to provide a plurality of spaced apart slots 9 it would have been obvious to one having ordinary skill in the art at the time of the invention that plural spaced apart slots 9 may have been provided on surfaces 1' and 2' as Kocher teaches plural spaced apart slots 9 on surface 3. One of ordinary skill in the art would have readily recognized that the provision of more slots provides a greater surface area and therefor a greater bonding surface. Claim 33 is a

product claim, which is not limited by the manner in which it is made (pultruded).

See MPEP 2113.

4. Claims 22 and 23 are allowed.

5. Applicant's arguments filed 09/13/04 as to the rejection of claims 22 and 23 under Smith '841, GB '292 and Kocher'435 have been found partially persuasive. It is agreed that Smith, GB '292 and Kocher'435 no longer meet claims 22 and 23 as amended. Smith fails to provide arms/sidewalls that extend in opposed direction or a plurality of spaced apart recesses. GB '292 fails to provide sidewalls extending in opposed directions from a base and is incapable of performing the intended use language provided in claim 33 as the arms cannot be located between a foam body and facing skins. Kocher fails to meet the side walls overlying the body of foam or being disposed between the body and skins. As noted in the previous Office action the time to challenge the examiner's assertion that structural high-density foam could have been used as a core was in the next response. The examiner provided a clear technical line of reasoning (for its inherent material properties such as strength to weight ratio and its insulating R value) as to why structural density foam would have been obvious in the Office action mailed 07/02/03. MPEP 2144.03 C. clearly states that if applicant fails to traverse the examiner's assertion of Official notice in the next Office action the examiner should clearly indicate that the statement is taken to be admitted prior art. Applicant failed to traverse the examiner's assertion in the 12/05/03 response. The declaration

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under 37 CFR 1.132 filed 09/13/04 is insufficient to overcome the rejections set forth in the last Office action because: as it pertains to structural foam this has been admitted to be prior art by applicant omitting to challenge the examiner's assertion in the next Office action and as it pertains to pultrusion, this is a manner of manufacturing limitation in an apparatus claim. Further, claims 22 and 23 have been found allowable for other structural features not found or suggested in the prior art of record.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The examiner makes of record several foreign patents issued to applicant found during an update search.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J Canfield whose telephone number is 703-308-2482. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J Canfield
Primary Examiner
Art Unit 3635



12/23/04